

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
NORTHERN DIVISION

TAILGATE NATION, INC.,
et al.,

Plaintiffs,

vs.

TOP MARKETING USA,
et al.,

Defendants.

Case No. 4:08-CV-1040 (CEJ)

ORDER OF DISMISSAL

After advising the Court that they had reached a settlement, plaintiffs and defendants Top Marketing USA and Anheuser-Busch, Inc., were directed to file their stipulation for dismissal by January 5, 2009. The parties were warned that the action would be dismissed by the Court with prejudice if they failed to meet the deadline for filing the stipulation. To date, the parties have not complied with the order to file a stipulation for dismissal.

Accordingly,

IT IS HEREBY ORDERED that this action is **dismissed with prejudice**. The costs shall be borne equally by the parties or in such manner as may be consistent with the parties' settlement agreement.

IT IS FURTHER ORDERED that the Court shall retain jurisdiction of this action for the sole purpose of determining whether to enforce the settlement upon motion of any party.


CAROL E. JACKSON
UNITED STATES DISTRICT JUDGE

Dated this 28th day of January, 2009.